

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
) **Hon. Patti B. Saris**

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,*
Civil Action No. 05-11084-PBS

)
) **Magistrate Judge**
) **Marianne B. Bowler**
)
)
)
)

**DEY PHARMA, L.P., DEY, INC., AND DEY L.P., INC.’S
EXHIBIT LIST PURSUANT TO FED. R. CIV. P. 26(A)(3)(A)**

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively “Dey”) disclose, pursuant to Fed. R. Civ. P. 26(a)(3)(A) and Local Rule 16.5, the exhibits they expect to offer or may offer at trial. Dey’s proposed exhibit list is attached as Exhibit A. The exhibits listed in Exhibit A are ones Dey marks for identification, for admission in evidence at trial, and/or from which Rule 1006 material may be presented. Dey reserves the right to introduce any exhibits or portions thereof identified by Plaintiff the United States of America and Relator Ven-A-Care of the Florida Keys, Inc. (collectively, “Plaintiffs”). Dey reserves the right to use materials considered by Plaintiffs’ experts, working files, data and programs from Plaintiffs’ experts, and other back-up material from Plaintiffs’ experts in connection with Dey’s cross-examination of those experts. If the Court grants Plaintiffs’ motion to consolidate, Dey reserves the right to use materials considered by Roxane’s experts, working files, data and programs from Roxane’s experts, and other back-up material from Roxane’s experts in connection with Dey’s cross-examination of those experts. References to depositions,

deposition exhibits, summary judgment exhibits, experts, or other pleadings in the exhibit list are solely for purposes of identification, and Dey reserves the right to introduce each listed exhibit in any context. Dey also reserves the right to withdraw exhibits presently included on its list based on the Court's rulings on any pending motion, including motions in limine, which will be filed in accordance with the schedule set by the Court. Further, Dey reserves the right to supplement its exhibit list in order to rebut any additional evidence or argument offered by the Plaintiffs at trial.

Dated: March 16, 2010

Respectfully Submitted,

KELLEY DRYE & WARREN LLP

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and Dey L.P., Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on March 16, 2010, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/ Sarah L. Reid
Sarah L. Reid